IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2344 of 2002

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

G.K. SOLANKI - Respondent(s)

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Appearance :

MS ROOPAL R PATEL for Petitioner(s) : 1,

MR GK RATHOD for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 22/11/2005

ORAL JUDGMENT

1. This petition is directed against the award dated 9.5.2001 passed by the Labour Court, Godhra, in Reference (LCG) No.642 of 1999 whereby the Labour Court directed the petitioner to reinstate the respondent without back wages with continuity of service. The Labour Court has also imposed a penalty of stoppage of four increments with future effect.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation since many years. On a surprise

checking it was found that the respondent was involved in serious irregularities with regard to issuance of tickets. A departmental inquiry was initiated against him and at the end of the inquiry the respondent was dismissed from service. The respondent therefore raised a dispute which was referred to the Labour Court, Godhra, which passed the aforesaid award.

3. Learned counsel for the petitioner submitted that the Labour Court has committed an error in directing the petitioner to reinstate the respondent on his original post. She submitted that looking to the serious misconduct and misappropriation of money, respondent is not entitled to reinstatement.

4. Learned counsel for the respondent submitted that sufficient punishment has been imposed upon the respondent and even back wages were not granted. Therefore, no case is made out to cause interference in this petition.

5. As a result of the hearing and perusal of the record, I am of the view that the Laobur Court has not committed any error in passing the impugned award. The Labour Court has imposed a punishment of stoppage of four increments with future effect. Looking to the alleged misconduct, I am of the opinion that the penalty imposed by the Labour Court is sufficient, especially when no back wages were granted. I am in complete agreement with the

reasonings adopted and findings arrived at by the Labour Court. No case is made out to interfere with the impugned award. This petition is, therefore, rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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